

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

ERIC ROSHAUN THURAIRAJAH

PLAINTIFF

v.

No. 2:16-CV-02123

BILL HOLLENBECK, individually and in  
his official capacity as Sheriff for the County  
of Sebastian; and TROOPER LAGARIAN  
CROSS, individually and in his official  
capacity as a state trooper with and for the  
State of Arkansas

DEFENDANTS

**ORDER**

On October 6, 2017, the Court entered an opinion and order denying qualified immunity and summary judgment to Defendant Cross. Thereafter, Defendant Hollenbeck filed a motion to dismiss, and then Defendant Cross filed a notice of appeal, divesting this Court of jurisdiction. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Where an interlocutory appeal has been taken on an order denying summary judgment on qualified immunity, “the district court should then stay its hand . . . and the district court should not act further.” *Johnson v. Hay*, 931 F.2d 456, 459 n.2 (8th Cir. 1991). This matter should be stayed and Defendant Hollenbeck’s motion should not remain pending before the Court.

IT IS THEREFORE ORDERED that this matter is STAYED pending resolution of the appellate process and Defendant Hollenbeck’s motion to dismiss (Doc. 40) is TERMINATED, with leave to refile when jurisdiction returns to this Court.

IT IS SO ORDERED this 17th day of July, 2018.

/s/ P. K. Holmes, III

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE